

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FORTY-THIRD LEGISLATIVE DAY  
MONDAY, FEBRUARY 18, 2008**

House of Representatives

The House convened at 10:00 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Smith(30). Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wilson, Page.

### Approval of Journal

February 18, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

### CERTIFICATE OF APPOINTMENT

KNOW ALL MEN by these Presents that Margaret Henbest, State Representative, District 16, House Seat A, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Grant Burgoyne, of Boise, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C. L. “BUTCH” OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Grant Burgoyne, Acting State Representative, District 16, House Seat A, Ada County, State of Idaho, for a term commencing on February 18, 2008, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 13th day of February in the year of our Lord two thousand and eight, and of the Independence of the United States of America, the two hundred and thirty-second year.

/s/ C. L. “BUTCH” OTTER  
Governor

/s/ BEN YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Burgoyne.

February 15, 2008

Mr. Speaker:

I transmit herewith enrolled **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, S 1358**, and **SJM 109** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, S 1358**, and **SJM 109** and, when so signed, ordered them returned to the Senate.

February 15, 2008

Mr. Speaker:

I return herewith enrolled **H 356, H 349, H 357, H 358**, and **HCR 36** which have been signed by the President.

WOOD, Secretary

Enrolled **H 356, H 349, H 357**, and **H 358** referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HCR 36** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

February 15, 2008

Mr. Speaker:

I transmit herewith **S 1373, S 1374, S 1370**, and **S 1371** which have passed the Senate.

WOOD, Secretary

**S 1373, S 1374, S 1370**, and **S 1371** were filed for first reading.

### Report of Standing Committees

February 18, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 533, H 534, H 535, H 536, H 537, H 538**, and **H 539**.

CLARK, Chairman

**H 533, H 534**, and **H 535** were referred to the Revenue and Taxation Committee.

**H 536** was referred to the State Affairs Committee.

**H 537, H 538, and H 539** were filed for second reading.

February 18, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 355, H 361, and H 362** to the Governor at 1:04 p.m., as of this date, February 15, 2008.

CLARK, Chairman

February 12, 2008

Mr. Speaker:

We, your COMMITTEE ON HEALTH & WELFARE, report that we have had under consideration **H 465** and recommend that it do pass.

BLOCK, Chairman

**H 465** was filed for second reading.

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON COMMERCE & HUMAN RESOURCES, report that we have had under consideration **H 495** and **S 1250** and recommend that they do pass.

SCHAEFER, Chairman

**H 495** and **S 1250** were filed for second reading.

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON COMMERCE & HUMAN RESOURCES, report that we have had under consideration **H 496** and report it back with amendments attached to be placed on General Orders for consideration.

SCHAEFER, Chairman

**H 496** was placed on General Orders for consideration.

February 15, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1342** and recommend that it do pass.

LOERTSCHER, Chairman

**S 1342** was filed for second reading.

February 15, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1273, S 1282, S 1287, and S 1317** and recommend that they do pass.

CLARK, Chairman

**S 1273, S 1282, S 1287, and S 1317** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

## Motions, Memorials, and Resolutions

### HOUSE CONCURRENT RESOLUTION NO. 45

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF PROPERTY TAXES AND PROPERTY TAX REVENUE EXPENDITURES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, rising property taxes are a major concern to residential property owners; and

WHEREAS, it is apparent that short-term or emergency reactions to rising property taxes result in ill-considered, piecemeal and counterproductive measures; and

WHEREAS, the Idaho Legislature has had many measures introduced over the past several years regarding the property tax in an effort to provide relief to payers of the property tax; and

WHEREAS, it is the desire of the Legislature that a property tax structure should encourage economic development, not hinder it; and

WHEREAS, it is reasonable to review expenditures of property tax revenue in order to consider property tax relief for the citizens of this state; and

WHEREAS, a large measure of the operational cost burden of this state's criminal justice, juvenile justice and court systems is borne by property tax revenues, including costs associated with these systems' personnel, operations and facilities; and

WHEREAS, in order to provide property tax relief, it may be appropriate to find an alternative funding mechanism for this state's criminal justice, juvenile justice and court systems; and

WHEREAS, it is the goal of the Legislature to provide reasonable property tax relief to the citizens of this state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a fourteen member committee to undertake and complete a study of the state's property tax system, including expenditures of property tax revenues, with a goal of determining if such expenditures are reasonably borne by the state's property tax or if such expenditures might more reasonably be borne by other revenue sources. The principal goal of the committee shall be to make recommendations that provide Idahoans with property tax relief, encourage economic development, meet the needs of local units of government and further the improved administration of the state's criminal justice, juvenile justice and court systems. The Legislative Council shall determine the membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the co-chairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall

report its findings, recommendations and proposed legislation to the First Regular Session of the Sixtieth Idaho Legislature.

**HOUSE CONCURRENT RESOLUTION NO. 46  
BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE OFFICE OF THE GOVERNOR RELATING TO RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Office of the Governor relating to Rules of the Division of Human Resources and Personnel Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.04.01, Rules of the Division of Human Resources and Personnel Commission, adopted as a pending rule under Docket Number 15-0401-0702, the Office of the Governor, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 47  
BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF COMMERCE RELATING TO RULES OF THE IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Commerce relating to Rules of the Idaho Regional Travel and Convention Grant Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 28.02.03, Rules of the Idaho Regional Travel and Convention Grant Program, Section 222, Plan Selection, Subsection 02.d, the amended language only, and Subsection 02.e, the amended language only, adopted as a pending rule under Docket Number 28-0203-0701, Rules of the Department of Commerce, be, and the same are hereby rejected and declared null, void and of no force and effect.

**HCR 45, HCR 46, and HCR 47** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 540  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO CRIMES AND PUNISHMENTS AND VIOLATIONS OF PROTECTION ORDERS; AMENDING SECTION 39-6312, IDAHO CODE, TO PROVIDE FOR ENHANCED PENALTIES FOR CERTAIN VIOLATIONS OF PROTECTION ORDERS AND TO DEFINE "SUBSTANTIALLY CONFORMING FOREIGN CRIMINAL VIOLATION."

**HOUSE BILL NO. 541  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO CRIMES AND PUNISHMENTS AND VIOLATIONS OF NO CONTACT ORDERS; AMENDING SECTION 18-920, IDAHO CODE, TO PROVIDE FOR ENHANCED PENALTIES FOR CERTAIN VIOLATIONS OF NO CONTACT ORDERS AND TO DEFINE "SUBSTANTIALLY CONFORMING FOREIGN CRIMINAL VIOLATION."

**HOUSE BILL NO. 542  
BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE  
AN ACT**

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-438, IDAHO CODE, TO PROVIDE THAT CERTAIN CANCERS OF FIREFIGHTERS SHALL BE CONSIDERED AS OCCUPATIONAL DISEASES, TO PROVIDE THAT CERTAIN DISEASES SHALL NOT BE SUBJECT TO SPECIFIED LIMITATIONS AND TO MAKE TECHNICAL CORRECTIONS.

**H 540, H 541, and H 542** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1373 and S 1374**, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

**S 1370 and S 1371**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**HCR 44 and S 1322** by State Affairs Committees, were read the second time by title and filed for third reading.

**H 486 and H 487**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

**H 502** and **H 384**, by Education Committee, were read the second time by title and filed for third reading.

**H 463** and **H 526** were, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

**S 1307**, by Transportation Committee, was read the second time by title and filed for third reading.

**H 443**, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**H 466** and **H 508**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

**S 1274**, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

At this time, the Speaker put the House at ease.

### MEMORIAL SERVICE

Opening Remarks . . . . . Representative Frank Henderson  
Introduction . . . . . Representative Liz Chavez

House Page Chorus  
"This Land Is Your Land"  
Chorus/Keyboard: Representative Jerry Shively

House Page Chorus  
"This is My Country"

House of Representatives and House Page Chorus  
"God Bless America"  
"Here We Have Idaho"

Benediction . . . . . "May the Good Lord Bless and Keep You"  
Sung by the late Elaine Hofman

### A HOUSE MEMORIAL

WHEREAS, Representative Edward Hedges has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Edward Hedges served in this House, in the interest of Ada County during the Fortieth and Forty-first Legislature covering the years 1969 through 1972.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Edward Hedges.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hedges family.

Representative Clifford Bayer paid tribute to the former Representative Edward Hedges.

### A HOUSE MEMORIAL

WHEREAS, Representative Elaine Hofman has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Elaine Hofman served in this House, in the interest of Bannock County during the Fifty-first through Fifty-third Legislature covering the years 1991 through 1996.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Elaine Hofman.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hofman family.

Representative Donna Boe paid tribute to the former Representative Elaine Hofman.

### A HOUSE MEMORIAL

WHEREAS, Representative Claud Judd has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Claud Judd served in this House, in the interest of Nez Perce County during the Forty-second and Forty-seventh through Fiftieth Legislature covering the years 1973 and 1974, as well as 1983 through 1990.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Claud Judd.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Judd family.

Representative John Rusche paid tribute to the former Representative Claud Judd.

### A HOUSE MEMORIAL

WHEREAS, Representative Eldred Lee has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Eldred Lee served in this House, in the interest of Jefferson County during the Thirty-fourth and Thirty-sixth Legislature covering the years 1957 through 1958 and 1961 through 1962.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Eldred Lee.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the

House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Lee family.

Representative JoAn Wood paid tribute to the former Representative Eldred Lee.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative William F. Lytle has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative William F. Lytle served in this House, in the interest of Shoshone County during the Forty-fifth and Forty-sixth Legislature covering the years 1979 through 1982.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of William F. Lytle.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Lytle family.

Representative Marge Chadderdon paid tribute to the former Representative William F. Lytle.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative Janet Miller has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Janet Miller served in this House, in the interest of Ada County during the Fifty-seventh and Fifty-eighth Legislature covering the years 2003 through 2006.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Janet Miller.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Miller family.

Representative Mark Snodgrass paid tribute to the former Representative Janet Miller.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative W. Dean Palmer has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative W. Dean Palmer served in this House, in the interest of Franklin County during the Thirty-second through Thirty-sixth Legislature covering the years 1953 through 1961.

NOW, THEREFORE, BE IT RESOLVED that the House of

Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of W. Dean Palmer.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Palmer family.

Representative Larry Bradford paid tribute to the former Representative W. Dean Palmer.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative Merle Parsley has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Merle Parsley served in this House, in the interest of Bonner County during the Thirty-eighth Legislature covering the years 1965 through 1966.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Merle Parsley.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Parsley family.

Representative George Sayler paid tribute to the former Representative Merle Parsley.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative Edward Rice has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Edward Rice served in this House, in the interest of Ada County during the Forty-first through Forty-third Legislature covering the years 1971 through 1976.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Edward Rice.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Rice family.

Representative Lynn Luker paid tribute to the former Representative Edward Rice.

#### **A HOUSE MEMORIAL**

WHEREAS, Representative Robert Yost has passed on since the close of the First Regular Session of the Fifty-ninth Idaho

Legislature; and

WHEREAS, the late Representative Robert Yost served in this House, in the interest of Canyon County during the Thirty-fourth and Thirty-fifth Legislature covering the years 1957 through 1960.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Robert Yost.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Yost family.

Representative Darrell Bolz paid tribute to the former Representative Robert Yost.

### A HOUSE MEMORIAL

WHEREAS, Representative Merlin Young has passed on since the close of the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the late Representative Merlin Young served in this House, in the interest of Ada County during the Thirty-second Legislature covering the year of 1953.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-ninth Legislature draw public attention by this Memorial to the life and works of Merlin Young.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-ninth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Young family.

Representative Max Black paid tribute to the former Representative Merlin Young.

Prior to going at ease, the House was at the Tenth Order.

### Third Reading of Bills and Joint Resolutions

**S 1272** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **S 1272** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer,

Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Smith(30). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1272** passed the House. Title was approved and the bill ordered returned to the Senate.

**H 469** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 469** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Smith(30). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 469** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 470** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 470** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henderson, Killen, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Patrick, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 60.

NAYS -- Boe, Chavez, Durst, Henbest(Burgoyne), Jaquet, King, Pasley-Stuart, Pence, Shively. Total -- 9.

Absent and excused--Smith(30). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 470** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 348**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 348**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Bayer, Bedke, Bilbao, Black, Bock, Boe, Bolz, Brackett, Chadderdon, Chew, Clark, Durst, Eskridge, Hagedorn, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, LeFavour, Luker, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shively, Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27). Total -- 44.

NAYS -- Andrus, Barrett, Bell, Block, Bowers, Bradford, Chavez, Collins, Crane, Hart, Harwood, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Raybould, Shirley, Thomas, Wood(35), Mr. Speaker. Total -- 25.  
Absent and excused--Smith(30). Total -- 1.  
Total -- 70.

Whereupon the Speaker declared **H 348**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

#### RECESS

#### Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed all members present.

Prior to recess, the House was at the Eleventh Order of Business.

There being no objection, the House returned to the Fourth Order of Business.

#### Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

#### CERTIFICATE OF APPOINTMENT

KNOW ALL MEN by these Presents that Elaine Smith, State Representative, District 30, House Seat B, Bannock County, State

of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Alan Stanek, of Pocatello, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C. L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Alan Stanek, Acting State Representative, District 30, House Seat B, Bannock County, State of Idaho, for a term commencing on February 18, 2008, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 18th day of February in the year of our Lord two thousand and eight, and of the Independence of the United States of America, the two hundred and thirty-second year.

/s/ C. L. "BUTCH" OTTER  
Governor  
/s/ BEN YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Stanek.

There being no objection, the House advanced to the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

**H 417**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall **H 417**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Raybould, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 417**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 376**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

“Shall **H 376**, as amended, pass?”

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Raybould, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 376**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 410**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, “Shall **H 410**, as amended, pass?”

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Raybould, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 410**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 403**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, “Shall **H 403**, as amended, pass?”

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Wills, Wood(27), Mr. Speaker. Total -- 62.

NAYS -- Barrett, Chavez, Harwood, Labrador, Mortimer, Shepherd(08), Vander Woude, Wood(35). Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 403**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 385**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, “Shall **H 385**, as amended, pass?”

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 385**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 446**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, “Shall **H 446**, as amended, pass?”

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane,



Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 446**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 408**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall **H 408**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Harwood. Total -- 1.

Absent and excused--Bedke. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 408**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 406**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall **H 406**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest(Burgoyne), Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Cooke), Roberts, Ruchti, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- Durst, Lake, Rusche. Total -- 3.

Absent and excused--Bedke. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 406**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 10:00 a.m., Tuesday, February 19, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:12 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk